

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TAMI L. OTT,

Plaintiff,

v.

Case No. 06-C-0371

AIRTRAN AIRWAYS, a wholly owned
subsidiary of AIRTRAN HOLDINGS, INC.,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO SUPPLEMENT THE APPEAL
RECORD (DOC. # 57)

As noted in this court's order granting the defendant's motion for summary judgment, five related cases, including this one, were brought by former AirTran employees against AirTran—*Dalton v. Airtran Airways*, Case No. 06-CV-348 (E.D. Wis.); *Jensen v. AirTran Airways*, Case No. 06-CV-350 (E.D. Wis.); *Henneman v. AirTran Airways*, Case No. 06-CV-368 (E.D. Wis.); *Ott v. AirTran Airways*, Case No. 06-CV-371 (E.D. Wis.); and *Cain v. AirTran Airways*, Case No. 06-CV-489 (E.D. Wis.). While these cases were not consolidated, the defendants moved for summary judgment in all cases, and the parties consolidated briefing for all summary judgment motions.

Recently, the defendant filed a motion pursuant to Federal Rule of Appellate Procedure 10(e) and Seventh Circuit Rule 10(b) seeking to supplement the appeal record in the above captioned case. Rule 10(e)(2) permits the court to allow correction or modification of the record on appeal where items were omitted by error or accident. In this case, several of the defendant's consolidated summary judgment materials were docketed in Case No. 06-CV-348 only, and, therefore, are not included the current appeal record for

Case No. 06-CV-350. However, these documents were a basis for this court's summary judgment decision. Consequently,

IT IS ORDERED that the defendant's motion to supplement the appeal record (Doc. # 57) is granted.

IT IS FURTHER ORDERED that the following documents currently docketed in Case No. 06-CV-348 shall be considered part of the record in this case, No. 06-CV-350:

- Declaration of Andrew Jones (Doc. # 22 in Case No. 06-CV-348);
- Declaration of Amy Morris (Doc. # 23 in Case No. 06-CV-348);
- Declaration of David Fox (Doc. # 24 in Case No. 06-CV-348);
- Combined Exhibits in Support of Defendant's Motions for Summary Judgment, Parts 1 through 4 (Docs. # 25, 26, 27, 28 in Case No. 06-CV-348);
- Combined Stipulated Findings of Fact with Respect to Defendant's Motions for Summary Judgment (Doc. # 29 in Case No. 06-CV-348);
- Combined Proposed Findings of Fact in Support of Defendant's Motions for Summary Judgment (Doc. # 30 in Case No. 06-CV-348);
- Combined Brief in Support of Defendant's Motions for Summary Judgment (Doc. # 31 in Case No. 06-CV-348).

Dated at Milwaukee, Wisconsin, this 5th day of May, 2010.

BY THE COURT

/s/ C. N. Clevert, Jr.
C. N. CLEVERT, JR.
CHIEF U. S. DISTRICT JUDGE